Staff Report – Public Hearing #5

Conditional Use Permit for a 72-Unit Apartment Project in a BC (Community Business) Zoning District at 16056 N. Merchant Way for James R. Wylie (CUP 129-18).

Applicant/Owner: James R. Wiley

File No: CUP 129-18

Prepared by: Norman L. Holm
Date: January 15, 2019

Requested Action: Conditional Use Permit
Purpose: For a 72-Unit Apartment Project

GENERAL INFORMATION

Status of Applicant: Owner

Existing Zoning: BC (Community Business)

Location: 16056 N. Merchant Way

Size of Property: A 3.06-acre portion of the SW ¼ of the SW ¼ of Section 9, T3N, R2W, BM or 133,294 sq. ft. parcel

Surrounding Land Use and Zoning:
North- Treasure Valley Market Place, BC
South- Interstate 84 then Industrial uses, BC then IL (Light Industrial)
East- Industrial uses, IL
West- Interstate 84 then Industrial uses, BC then IL
Comprehensive Plan Designation: General Commercial


Applicable Regulations: Section 10-5-2 Schedule of District Land Use Controls allows Apartments by conditional use permit in BC districts. Chapter 25 sets forth the criteria of approval. These criteria require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

Description of Existing Land Use: Vacant land available for development.

Description of Proposed Land Uses: The applicant proposes to construct a 72-Unit Apartment Project consisting of three 24-unit 3 story buildings; including fifty-four 2-bedroom 2 bath units; nine 3-bedroom 2 bath units; and nine 1 bedroom 1 bath units.

Parking: The project info indicates 144 regular parking spaces with 3 handicapped spaces for a total of 147. It appears that at least 50% of the parking would be covered.

SPECIAL INFORMATION

Public Utilities:  
12" water main along the northerly property boundary, 12" water main along the southerly property boundary  
10" sewer main along the northerly property boundary  
16" irrigation main along the northerly property boundary

Public Services: All available.

Transportation: The Apartment complex proposes access from N. Merchant Way on the south.

Physical Site Characteristics: Undeveloped, vacant lot.

Environmental: Apartments are ideally located within close proximity of commercial/industrial employment areas and arterial streets.

Aesthetics/Landscaping: The apartment project proposes to be aesthetically attractive and landscaped compatible with the commercial, professional, and health care facilities located in the area.

Correspondence: No correspondence from any area property owners, businesses or residents have been received for or against the construction of the Apartment project at the subject location.

STAFF FINDINGS AND DISCUSSION

The location is reasonable for an Apartment Project because of its' proximity to commercial, industrial, professional, and health care facilities in the area.
From a land use standpoint, the location is shown on the comprehensive plan for general commercial land use and the requested Apartment Project use is an eligible conditional use in the BC zone.

With regards the conditional use permit, use of the property for an Apartment Project is compatible with the surrounding commercial and professional neighborhood.

If the Commission votes to approve of the CUP, the following findings are recommended:

1) The location, size and design of the proposed 72-Unit Apartment Project will be reasonably compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood if the below conditions are required.
2) The location, design, and site planning of the proposed 72-Unit Apartment Project will be as attractive as the nature of the use and its location and setting warrants.
3) The proposed 72-Unit Apartment Project will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.

SUGGESTED CONDITIONS OF APPROVAL

If the Commission votes to issue a conditional use permit the following Planning and Engineering conditions are recommended to be attached:

1) All requirements of the Nampa fire and building departments regarding apartment use shall be satisfied.
2) The conditional use permit is issued for the life of the buildings as apartments.
3) Applicant will be required to do frontage improvements including, but not limited to, curb, gutter, road widening, and sidewalk.
4) At time of permit application and issuance, owner will pay the standard applicable fees

ATTACHMENTS

1) Application (Page 4)
2) Zoning and location map (Page 5)
3) Aerial view of parcel and neighborhood (Page 6)
4) Legal description (Page 7)
5) Concept site plan and perspective view (Page 8)
6) Apartment typical floor plan and building elevations (Page 9)
7) Agency and other correspondence (Page 10+)
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $234.00 (1 acre or less) Nonrefundable Fee: $463.00 (more than 1 acre)

Applicant Name: James R. Wylie
Home Number: 939-1253
Street Address: 16056 N. Merchant Way
City: Eagle
State: ID
Zip Code: 83616

Property Owner Name: Same as above
Street Address: 16056 N. Merchant Way
City: Eagle
State: ID
Zip Code: 83616

Applicant’s interest in property: (X) Own ( ) Rent ( ) Other

ADDRESS OF SUBJECT PROPERTY: 16056 N. Merchant Way

Please provide the following REQUIRED DOCUMENTATION to complete the CUP
☐ A copy of one of the following: O Warranty Deed ☐ Proof Of Option ☐ Earnest Money Agreement
☐ A sketch drawing of the site & any adjacent property affected, showing all existing & proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building elevations, together with any other information considered pertinent to the determination of this matter.
☐ Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal owner (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)
☐ Original Legal description of property AND a legible WORD formatted document. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

Project Description
☐ State (or attach a letter stating) the reason for the proposed Conditional Use Permit: We are requesting a multi-family apartment use on this property.

Dated this 12 day of December, 2018

Applicant Signature

NOTICE TO APPLICANT
This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application and it shall be granted or denied. Notice of public hearing must be published in the Idaho Press Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearing and should present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15 days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council. You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be sent a document which constitutes an official ‘Conditional Use Permit’. This document will enumerate the conditions attached to the issuance of the permit and state the consequences of failure to comply.

OFFICE USE ONLY
FILE NUMBER: CUP - 129 - 2018
PROJECT NAME: Multi-Family

12/11/13 Revised
Conditional Use Permit for a 72-Unit Apartment Project in a BC Zone

16056 N. Merchant Way

Visit Planning & Zoning at cityofnampa.us for more info.

1/4/2019

CUP-00129-2018
A parcel of land situate in the southwest quarter of the southwest quarter of Section 9, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

Commencing at a brass cap marking the west sixteenth-section corner on the south line of Section 9, Township 3 North, Range 2 West, Boise Meridian;
Thence N00°04'27"W, 1332.43 feet along the east line of the southwest quarter of the southwest quarter of said Section 9 to the northeast corner of the southeast quarter of the southwest quarter of said Section 9;
Thence N89°55'19"W, 330.28 feet along the north line of the southeast quarter of the southwest quarter of said Section 9 to a found 5/8" rebar, the POINT OF BEGINNING:

Thence S00°07'18"E, 500.58 feet to a found 1/2" rebar on the north right-of-way line of Midland Boulevard;
Thence N86°22'56"W, 69.42 feet along the said north right-of-way line to a set 5/8" rebar;
Thence 354.90 feet on a non-tangent curve to the right having a radius of 6225.20 feet, a central angle of 3°15'59", a chord bearing of N47°25'43"W, and a chord distance of 354.85 feet, along the said north right-of-way line to a found 5/8" rebar;
Thence N00°09'55"W, 256.59 feet to a found 5/8" rebar;
Thence S89°55'19"E, 330.28 feet along the north line of the southeast quarter of the southwest quarter of the southwest quarter of said Section 9 to the POINT OF BEGINNING.

The above-described parcel contains 3.06 acres, more or less.

Subject to a drainage easement and any other easements or rights-of-way of record of apparent.
The attached drawings depict a concept design for a multifamily residential project on N. Merchant Way. The project includes a total of 152 rental units: 120 two-bedroom units and 32 one-bedroom units. The project is designed to accommodate 149 stalls, including 11 for handicap parking.

Project Vicinity

Perspective View from N. Merchant Way
Date: January 3, 2019

Rev:

To: Planning and Zoning

Cc: Daniel Badger, P.E., City Engineer

Cc: Tom Points, P. E., Nampa City Public Works Director

Cc:

From: Jim Brooks – Engineering Division

Subject: 72 Unit Apartment complex in a BC Zoning District

Applicant: James R. Wylie

Applicant Address: 1676 No. Clarendon Way, Eagle, Idaho 83616

Owner: James R. Wylie

Owner Address: 1676 No. Clarendon Way, Eagle, Idaho 83616

Parcel Address: 16056 No. Merchant Way

CUP-00129-2018 for the January 23, 2019 Planning & Zoning Meeting

Applicant’s request is to develop a 72-unit apartment complex in a BC zoning district.

➢ All City utilities are available to the site
➢ Applicant will be required to do frontage improvements including, but not limited to, curb, gutter, road widening, and sidewalk.
➢ At time of permit application and issuance, owner will pay the standard applicable fees

Regarding this project, the Engineering Division does not oppose the granting of this conditional use permit.
Communities in Motion 2040 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of Communities in Motion 2040 (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 goals.

Development Name: Wylie (CUP-00129-2018)  
Agency: Nampa

CIM Vision Category: Mixed Use

New households: 72  
New jobs: 0  
Exceeds CIM forecast: No

<table>
<thead>
<tr>
<th>CIM Corridor: N/A</th>
<th>Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian level of stress: N/A</td>
<td>A good jobs/housing balance – a ratio between 1 and 1.5 – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.</td>
</tr>
<tr>
<td>Bicycle level of stress: N/A</td>
<td>Developments within 1.5 miles of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.</td>
</tr>
<tr>
<td>Housing within 1 mile: 1,419</td>
<td>Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.</td>
</tr>
<tr>
<td>Jobs within 1 mile: 6,533</td>
<td>Residents who live or work less than ½ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.</td>
</tr>
</tbody>
</table>
| Jobs/Housing Ratio: 4.6 | Nearest police station: 2.9 miles  
Nearest fire station: 1.6 miles |
| Farmland consumed: Yes | Nearest bus stop: 0.3 miles  
Nearest public school: 2.5 miles  
Nearest public park: 3.0 miles  
Nearest grocery store: 0.9 miles |
| Farmland within 1 mile: 531 acres |

Nearest police station: 2.9 miles  
Nearest fire station: 1.6 miles

Recommendations

The proposal is in an area identified in Communities in Motion 2040 2.0 as mixed use. The proposal helps meet the category by providing high-density residential nearby existing employment centers and retail services, which can reduce mitigate the impact of congestion by encourage short vehicular trips and non-motorized travel. Public schools and public parks are several miles from this location. Consider providing sufficient outdoor recreational space and a safe location for school district busing needs.

The site is served by public transportation (Route #52) approximately ¼ mile away at the intersection of Karcher Road and Marketplace Boulevard with hourly service to downtown Caldwell and downtown Nampa. ValleyConnect 2.0 calls for hourly service along Karcher Road connecting Caldwell and Nampa to the premium service on Caldwell Boulevard. Ensuring quality pedestrian connectivity from this site to the south and east will be important to the success of transit in the area.

More information about COMPASS and Communities in Motion 2040:

Web: www.compassidaho.org
Email: info@compassidaho.org
The FY2019-2023 Regional Transportation Improvement Program lists the reconstruction and widening of I-84 from the existing four-lane section (two lanes each direction) to an eight-lane section (three lanes each direction plus auxiliary lanes between Northside Boulevard and the Karcher Road Interchanges). Construction is scheduled for 2019. Additional information about this project is in the FY2018-2022 Regional Transportation Improvement Program (Key # 20799):
January 11, 2019

Shellie Lopez
City of Nampa
411 3rd Street South
Nampa, Idaho 83651

**VIA EMAIL**

<table>
<thead>
<tr>
<th>Development Application</th>
<th>CUP-00129-2018</th>
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<tbody>
<tr>
<td>Project Name</td>
<td>MULTI FAMILY APARTMENTS</td>
</tr>
<tr>
<td>Project Location</td>
<td>16056 North Merchant Way, east of I-84 milepost 33.95</td>
</tr>
<tr>
<td>Project Description</td>
<td>Conditional use permit for 72 unit apartment project in a BC (Community Business) zoning district</td>
</tr>
<tr>
<td>Applicant</td>
<td>James R. Wylie</td>
</tr>
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The Idaho Transportation Department (ITD) reviewed the referenced conditional use permit application and has the following comments:

1. This project does not abut the State highway system.

2. This development will gain access to the State Highway system at the I-84B/ West Karcher Road intersection and I-84/Midland Boulevard interchange. The City is reminded that the I-84 corridor is already congested. This project will increase the number of vehicle trips in the corridor. As the City continues to add additional trips to the interchange through development, the congestion will worsen until the roadway system is ultimately overloaded and fails. ITD has no current funding assigned to mitigate traffic congestion in the I-84 corridor in this area.

3. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.

4. IDAPA 39.03.60 rules govern advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.
5. ITD does not object to the conditional use permit as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona
Development Services
Sarah.Arjona@itd.idaho.gov
Shellie Lopez

From: Eddy Thiel <eddy@nampahighway1.com> 
Sent: Wednesday, January 02, 2019 8:32 AM 
To: Shellie Lopez 
Subject: RE: CUP-00129-2018

Good Morning Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

From: Shellie Lopez [mailto:lopezs@cityofnampa.us] 
Sent: Thursday, December 27, 2018 1:14 PM 
Subject: CUP-00129-2018

Good Afternoon Everyone! ☺

Re: CUP-00129-2018

James R. Wylie has requested a Conditional Use Permit for a 72-Unit Apartment Project (three 24-Unit buildings) in a BC (Community Business) Zoning District at 16056 N. Merchant Way (A 3.06-acre portion of the SW ¼ of the SW ¼ of Section 9, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the January 23, 2019 agenda.

Please find attached the CUP-00129-2018 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than January 09, 2019.

Thank you & Have a great day!
Good Afternoon Everyone! 😊

Re: CUP-00129-2018

James R. Wylie has requested a Conditional Use Permit for a 72-Unit Apartment Project (three 24-Unit buildings) in a BC (Community Business) Zoning District at 16056 N. Merchant Way (A 3.06-acre portion of the SW ¼ of the SW ¼ of Section 9, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the January 23, 2019 agenda.

Please find attached the CUP-00129-2018 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than January 09, 2019.

Thank you & Have a great day!
Sylvia Mackrill  
City of Nampa Planning & Zoning  
via email: mackrill@cityofnampa.us


APN: R3098100000

Re: Review of Conditional Use Permit Application for a 72-Unit Apartment Project (three 24-Unit buildings) in a BC (Community Business) Zoning District, lying within the Southwest Quarter of Section 9, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

To Whom It May Concern:

QWEST CORPORATION d/b/a CENTURYLINK QC has reviewed the conditional use permit application and has determined that it can approve the proposed use with the following stipulation. CenturyLink has existing facilities along N Merchant Way on the South side of the property and wishes to preserve its rights in this area. If CenturyLink facilities need to be relocated to a suitable location to support the development of this property, the Owner will be required to grant any necessary easement rights to CenturyLink for the relocate, which may be achieved by a new platted easement or private easement approved by CenturyLink. All relocation work will be performed by CenturyLink and/or its contractor and will be at the expense of the Applicant.

It is the intent and understanding of CenturyLink that this approval shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This review response is approved with stipulation.

If you have questions or concerns, please call Kerry Brent at 208-550-0264.

Sincerely,

Greg Hunt  
Right of Way Agent  
Qwest Corporation d/b/a CENTURYLINK QC

Leasenet #:P811320
January 7, 2019

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE:  CUP-00129-2018/16056 N. Merchant Way

Dear Norm,

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application, as it lies outside of our District boundaries. Please contact Mark Zirschky of Pioneer Irrigation at (208) 459-3617, P.O. Box 426 Caldwell, ID 83606-0426.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site NMID must review drainage plans. The developer must comply with Idaho Code 31-3805.

Sincerely,

David T. Duvall
Crew Foreman
Nampa & Meridian Irrigation District
DTD/ gnf

Cc: Office/ file
M. Zirschky, Pioneer Irrigation District